

REMARKS

Reconsideration of the application is requested.

Claims 4-8 remain in the application. Claims 4-8 are subject to examination.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 4-8 have been rejected as being obvious over U.S. Patent No. 7,158,953 to Demello et al. in view of U.S. Patent No. 5,477,415 to Mitcham et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

MPEP 706.02(j) outlines the contents of a 35 USC 103 rejection.

35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:

- (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,
- (B) the difference or differences in the claim over the applied reference(s),
- (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and
- (D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

Applicants respectfully note that the Examiner has only discussed claim 4 in the rejection and has not discussed claims 5-8 at all. Should the Examiner not

agree that the claims are patentable over the references, applicants request that the finality of the last Office action be withdrawn because the rejection does not comply with MPEP 706.02(j).

Now let us address the teaching in the cited prior art with regard to the claimed invention.

DeMello et al. teach a server architecture for a digital rights management system that distributes and protects rights in content. The server architecture includes a retail site that sells content items to consumers, a fulfillment site that provides the content items sold by the retail site to consumers, and an activation site that enables consumer reading devices to use content items having an enhanced level of copy protection (see the abstract).

Claim 4 defines storage arrangement, including, inter alia: a data carrier having a non-volatile memory and a microcontroller, said data carrier being connectable to said loading station for allowing said microcontroller to identify a user for a service provider on the Internet before downloading data from the Internet and storing the data in said memory. DeMello et al. do not teach these features.

Fig. 2 and the corresponding description ("DRM System Architecture") of DeMello et al. disclose a general purpose computing system 20 comprising, among others, removable data storage media. Column 7, lines 43 to 44

disclose that a flash memory card is one possible type of removable storage medium.

In contrast to claim 4, however, DeMello et al. do not teach a data carrier that has a microcontroller.

In addition, DeMello et al. do not disclose using a microcontroller for user identification through a data carrier. As far as DeMello et al. is concerned with identification or authentication at all, the identification of the end users is performed using online credentials, for example, using the details of an email account (Please see column 13, lines 5 to 26).

In summary, DeMello et al. do not disclose a storage arrangement including a loading station and a data carrier. Furthermore, it does not disclose a data carrier including a non-volatile memory and a microcontroller. With respect to user identification, it actually teaches away from the present invention. While according to DeMello et al., identification is bound to an online persona using transferable credentials, according to the claimed invention, user identification is based on a microcontroller embedded in a particular data carrier, i.e. in a particular piece of hardware, and is thus not transferable.

Even if the teachings of Demello et al. and Mitcham et al. were combined, in some manner, for some reason, the claimed invention would not have been obtained.

Let us now consider the teaching in Mitcham et al. Mitcham et al. concerns an automatic docking station for a portable PC such as a notebook PC wherein the station includes a housing with external connectors to connect up to a full-sized monitor and a full-sized keyboard as well as external connectors for connecting to a modem and a mouse (see the abstract). That is, Mitcham et al. is concerned with the mechanical and electrical connection of a notebook computer and a corresponding docking station.

First, Mitcham et al. is not related to digital rights management (DRM) at all. It is hard to believe that one of ordinary skill in the art of DRM and faced with the problem of how to improve DRM transactions over the Internet would consider the Mitcham et al. reference at all.

Furthermore, Mitcham et al. does not disclose a storage arrangement including a loading station and a data carrier. Mitcham et al. does not disclose a data carrier comprising a non-volatile memory and a microcontroller. In addition, Mitcham et al. does not disclose or even suggest a user identification using a microcontroller of a data carrier placed in a loading station for identification of the users for a service provider on the Internet.

Mitcham et al. fails to cure the deficiencies of DeMello et al. with respect to the invention defined by claim 4. For this reason as well, the subject matter of independent claim 4 is not obvious even over a combination of the DeMello et

al. and Mitcham et al.

In the pending Office Action the Examiner has not shown that a single step of the method disclosed in independent claim 7 is disclosed or suggested in either DeMello et al. or the Mitcham et al. Notwithstanding this lack of substantiation of the claim rejection, applicants observe that neither DeMello et al. nor Mitcham et al. disclose a step of performing an Identification of a user for a service provider on the Internet using a microcontroller of a data carrier.

Consequently, the subject matter of independent method claim 7 is neither anticipated nor obvious with respect to the prior art.

For the reasons stated above, applicants believe that claims 4 and 7 are allowable over DeMello et al. and Mitcham et al.

Claim 6 specifies that the data carrier is a chip card having a non-volatile memory and a microcontroller (claim 4). DeMello et al. merely disclose computer readable media, such as flash memory cards, DVDs, RAMs, ROM's, and the like (column 7, lines 40-47).

With regard to claim 8, the prior art does not suggest that the downloaded data is encrypted and the microcontroller, which is on the data carrier, decrypts the encrypted data using a key stored in the data carrier

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 4 or 7. Claims 4 and 7 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 4 or 7.

In view of the foregoing, reconsideration and allowance of claims 4-8 are solicited.

On page 3 of the prior Office Action mailed May 16, 2007, the Examiner stated that the references submitted in the IDS on July 12, 2006 have not been considered because they are in a foreign language. Applicants respectfully point out that an English statement of relevance was provided for the two references submitted in the IDS on July 12, 2006 and therefore, applicants respectfully request consideration of the statements of relevance of Akashika et al. and Hosada et al..

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

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Respectfully submitted,

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MPW:cgm

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